

OPINION 1367

ALPHEUS LOTTINI GUÉRIN, 1829 (CRUSTACEA, DECAPODA):
CONSERVED

RULING.—(1) Under the plenary powers the specific name *sublucanus* Forskål, 1775, as published in the binomen *Cancer sublucanus*, is hereby suppressed for the purposes of the Principle of Priority but not for those of the Principle of Homonymy.

(2) The specific name *lottini* Guérin, 1829, as published in the binomen *Alpheus lottini*, is hereby placed on the Official List of Specific Names in Zoology with the Name Number 3042.

(3) The specific name *sublucanus* Forskål, 1775, as published in the binomen *Cancer sublucanus* and as suppressed under the plenary powers in (1) above, is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Number 1164.

HISTORY OF THE CASE Z.N.(S.)2370

An application for the use of the plenary powers to conserve *Alpheus lottini* Guérin, 1829 was first received from the late Dr A. H. Banner and Mrs D. M. Banner (*University of Hawaii at Manoa, U.S.A.*) on 19 January 1981. After some correspondence it was sent to the printer on 15 September 1981 and published simultaneously with a comment from Dr L. B. Holthuis (*Rijksmuseum van Natuurlijke Historie, Leiden*) on 8 December 1981 in *Bull. zool. Nom.*, vol. 38, pp. 297–304. Public notice of the possible use of the plenary powers was given in the same part of the *Bulletin* as well as to the statutory serials, to seven general and three specialist serials. No comment was received.

Subsequent correspondence between Dr Holthuis, Dr & Mrs Banner and the Secretary, resulted in revised proposals for conservation being put forward by Dr & Mrs Banner. These were published on 7 December 1982 in *Bull. zool. Nom.*, vol. 39, pp. 286–287. Public notice of the possible use of the plenary powers was given in the same part of the *Bulletin* as well as to the statutory serials, seven general and four specialist serials. No comment was received.

On 13 September 1984 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1984)43 for or against the proposals set out in *Bull. zool. Nom.*, vol. 39, pp. 286–287. At the close of the voting period on 13 December 1984 the state of the voting was 11 positive votes and 8 negative with 6 voting papers not returned. The following comments were returned by members of the Commission with their voting papers:

Hahn: 'As is shown by Dr Holthuis in his comment, none of the four names used has definitely won prominence. Therefore it would be best to use the oldest name, *C. sublucanus*.'

Bayer: 'In this case I think it is best to let priority rule, as the nomenclature is a jumble and there is no strongly prevalent usage to be protected. Since there seems to be little doubt that *Cancer sublucanus* Forskål = *Alpheus lottini* Guérin, Forskål's very old specific name will prevail. If *lottini* does prove to be specifically distinct, its name is available for use.'

Heppell: 'I consider the revised proposals the worst of all the possible alternatives. I accept Holthuis's argument for encouraging Forskål's name *sublucanus* to come into general usage. No action contrary to the Code is necessary and the name *lottini* would remain available for use in the event that some authors might subsequently consider it to be taxonomically distinct. (Similarly if the senior name had been maintained in Opinion 846 the junior name would have remained available for use for the segregate taxon.) If the revised proposals are accepted, it will always be uncertain in future, whenever an author uses the name *sublucanus*, whether he is intending a taxon distinct from *lottini* or whether he has overlooked or ignored the Commission's ruling. I believe the device of artificially inverting precedence should be reserved for use in exceptional cases, whereas the Commission now seems to advocate its use in case after case as a means of sitting on the nomenclatural fence.'

The above comments were sent to Dr and Mrs Banner and to Dr Holthuis. The Banners replied with an in depth analysis of the relative usage of both *sublucanus* and *lottini* from 1958 to the present. Their analysis showed that *A. lottini* had enjoyed about eight times as much usage as *A. sublucanus* — 81.2% of the 48 citations quoted since 1958. They concluded that: (a) all meticulous carcinologists have consistently used the name *lottini* for almost 30 years; (b) some of the works published using *lottini* will become standard faunal references for all biologists working in various regions of the Indo-Pacific for years to come; (c) the name *sublucanus*, a nomen oblitum, was introduced in 1971, contrary to the then current rules of zoological nomenclature; (d) since the rationale for the revival of the ancient name was first explained in 1979, only two responsible carcinologists, Drs Holthuis and Miya, have used the name in a total of three personally authored publications. These conclusions, along with a detailed report by the Secretary reviewing the history of the case, was sent to all Commissioners with a voting paper issued under Byelaw 35. The two alternatives offered in this voting paper were: A. Refusal to use the plenary powers; application of the Principle of Priority; placing of *C. sublucanus* on the Official List, or, B. Application of the first part of Article 79b(iii); suppression of *C. sublucanus* for the purposes of the Principle of Priority but not for those of the Principle of Homonymy; placing of *A. lottini* on the Official List.

DECISION OF THE COMMISSION

On 30 April 1985 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1985)36, issued under Byelaw 35, for or against the two mutually exclusive alternatives previously outlined. At the close of the voting period on 30 July 1985 the state of the voting was as follows:

Alternative A

Affirmative votes—six (6) received in the following order: Mroczkowski, Lehtinen, Willink, Brinck, Bernardi, Heppell.

Alternative B

Affirmative votes—twelve (12) received in the following order: Melville, Kraus, Sayage, Binder, Halvorsen, Corliss, Ride, Cocks, Trjapitzin, Hahn, Uéno, Schuster.

Holthuis abstained. Late affirmative votes for alternative A were received from Cogger and Starobogatov. No votes were returned by Alvarado, Bayer, Dupuis and Gruchy.

The following comments were returned by Commissioners with their voting papers:

Bernardi: 'Je ne suis pas partisan de suspendre le Principe de priorité sauf dans des cas exceptionnels (animaux à grande importance économique ou classiques en zoologie générale). Si l'on trouve que l'emploi de *sublucanus* Forskål peut prêter à confusion il suffit d'écrire: *sublucanus* Forskål = *lottini* Guérin, c'est-à-dire de citer la synonymie.'

Heppell: 'After re-considering all the statements concerning this case I maintain my original conclusion that *Alpheus sublucanus* Forskål should be the valid name for the species more often known as *A. lottini*. Although there is no doubt a preponderance of usage of the latter name this is far from a situation of stability. In my opinion there is insufficient cause to set aside priority in this case.

'I should like the opportunity to dispel any misunderstanding that may have arisen from my previous comment. As I understand Article 79, its whole point is to define and delimit the circumstances in which the normal provisions of the Code may be suspended. My statement that "No action contrary to the Code is necessary" [to make *A. sublucanus* the valid name] simply meant that to achieve this result the normal provisions [i.e. Articles 1-75] of the Code did not need to be set aside by use of plenary power. I had thought this was self-evident and had certainly not meant to imply that the possible use of the plenary power to accord *A. lottini* precedence over *A. sublucanus* would be action contrary to the Code in the sense which the Secretary has chosen to read into my words.'

ORIGINAL REFERENCES

The following are the original references for the names placed on an Official List and an Official Index by the ruling given in the present Opinion: *lottini*, *Alpheus*, Guérin, [1829], *Voyage autour du Monde ... sur ... La Coquille, pendant ... 1822-1825*, *Zoologie*, vol. 2(2), p. 38, pl. 3
sublucanus, *Cancer*, Forskål, 1775, *Descriptiones animalium, avium, amphibiorum, piscium, insectorum, vermium, quae in itinere orientali, observavit*, p. 94.

CERTIFICATE

I hereby certify that the votes cast on Voting Paper (85)36 were cast as set out above, that the proposals contained in that voting paper have been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1367.

R. V. MELVILLE

Secretary

International Commission on Zoological Nomenclature

London

14 August 1985